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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Allan McCarty  
Application No.: 10/616,820  
Filed: July 10, 2003  
Confirmation No.: 2690  
For: Billiard Cue



Group: 3711  
Examiner: Graham, Mark S.

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
6/19/07	
Date	Signature
Samantha J. Helman	
Typed or printed name of person signing certificate	

REMARKS

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Clawson Custom Cue, Inc. filed a complaint in the United States District Court for the Eastern District of Wisconsin against McDermott Cue Manufacturing, Inc., Civil Action No. 06-C-1326, for infringement of U.S. Patent No. 6,162,128, which issued from U.S. Application Serial No. 08/825,249, filed on March 27, 1997. Applicant is submitting a Supplemental Information Disclosure Statement, which contains references disclosed by McDermott. The present application claims priority to U.S. Application No. 08/825,249 and other applications.

A copy of the opposing party's initial disclosures and a subsequent letter, in which the references were disclosed to the Applicant, are attached to these remarks.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

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Dated: 6/19/07



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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CLAWSON CUSTOM CUES, INC. d/b/a  
PREDATOR PRODUCTS,

Plaintiff,

v.

Case No. 06-C-1326

McDERMOTT CUE MANUFACTURING,  
INC.,

Defendant.

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**DEFENDANT'S INITIAL DISCLOSURES**

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Defendant McDermott Cue Manufacturing, Inc. ("McDermott Cue"), by its undersigned counsel, provides the following initial disclosures:

A. The following people are likely to have discoverable information that McDermott Cue may use to support its defenses:

Claude Napier, President & CEO, McDermott Cue Mfg., W146 N9560 Held Drive, Menomonee Falls, Wisconsin 53051. Mr. Napier has general knowledge about the design of the accused pool cue.

Larry Liebl, Vice President of Manufacturing, McDermott Cue. Mfg., W146 N9560 Held Drive, Menomonee Falls, Wisconsin 53051. Mr. Liebl has generally knowledge about the design of the accused pool cue.

B. The following documents may be used by McDermott Cue to support its defenses:

File histories for the following: Patent No. 5,725,437, Patent No. 6,162,128, Patent Application No. 09/649,473 and Patent Application No. 10/616,820.

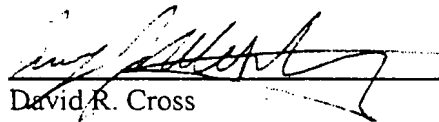
Patents: Patent No. 132,054, Patent No. 364,680, Patent No. 608,457, Patent No. 659,524, Patent No. 723,285, Patent No. 861,158, Patent No. 951,453, Patent No. 1,007,668, Patent No. 1,505,609, Patent No. 1,512,554, Patent No. 1,560,456, Patent No. 1,604,023, Patent No. 1,609,026, Patent No. 1,705,353, Patent No. 3,103,359, Patent No. 3,334,901, Patent No. 3,476,388, Patent No. 3,695,611, Patent No. 4,816,203, Patent No. 5,112,046, Patent No. 5,267,730, Patent No. 5,290,030, and UK Patent Application No. GB2199505.

C. Not applicable.

D. McDermott Cue is not aware at this time of any insurance agreement that may be implicated by the plaintiff's claims of patent infringement.

The foregoing disclosures are made based on information reasonably available to McDermott Cue at this time.

Dated this 11th day of April, 2007.



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May 31, 2007

VIA E-MAIL/U.S. MAIL

Susan G. L. Glovsky, Esq.  
Hamilton Brook Smith & Reynolds PC  
P.O. Box 9133  
Concord MA 01742

**RE: *Clawson Custom Cues, Inc. v. McDermott Cue Manufacturing, Inc.***  
**Case No. 06-C-1326**

Dear Susan:

Please consider the references in the following list, which were located during a further search for patents that pertain to whether U.S. Patent No. 6,162,128 is valid. The '128 patent is anticipated if not at least obvious in light of several of the references included here individually or in combination. None of these patents were cited during prosecution of the '128 patent.

	1,609,026
1,007,668	1,688,911
1,210,076	1,702,292
1,252,632	3,342,489
1,280,876	5,462,490
1,560,456	3,598,409

As U.S. Patent No. 1,280,876 to Seenan is of particular interest, please find it enclosed. Even if the '128 patent is miraculously found to be valid, a simple comparison of the accused McDermott cues with the cues shown in Figs. 1 and 2 of the '876 patent clearly establishes that McDermott has been practicing the prior art. Therefore, McDermott does not infringe any claims of the '128 patent.

Based on these references, we demand that Clawson immediately dismiss this action with prejudice. If Clawson does not voluntarily dismiss this case, we will seek appropriate sanctions for the failure to do so as it is crystal clear that McDermott has been practicing and is practicing the prior art as taught by at least the '876 patent.

Susan G. L. Glovsky, Esq.

May 31, 2007

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Clawson must, of course, disclose these references under the duty of disclosure that it owes to the USPTO. We will monitor the pending applications related to the '128 patent to make sure it does so.

Very truly yours,

QUARLES & BRADY LLP

A handwritten signature in dark ink, appearing to read "David R. Cross", written over the printed name.

David R. Cross

DRC:js2

cc: John Frederickson, Esq. (w/enc.)